

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
April 4, 2013

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:45:04 PM](#) . Audio recordings of the Historic Landmark Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Sheleigh Harding, Vice Chair Polly, Hart, Earle Bevins III, Arla Funk, Robert McClintic, and Thomas Brennan. Commissioners Charles Shepherd, Stephen James and Heather Thuet were excused

Planning Staff members present at the meeting were: Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager; Lex Traughber, Senior Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Planning Commissioners present were: Earle Bevins, Arla Funk, Polly Hart, and Robert McClintic. Staff members in attendance were Joel Paterson and Carl Leith.

The following locations were visited:

1. 206 E Street- Staff explained the various elements of the proposed project and changes to the previously approved project. The Commission asked about the purpose of the secondary fence behind the existing metal fence and asked about alternative options. The Commission asked about the fencing near the garage and about the previous proposal considered by the HLC last year. The Commission asked about the addition and the window and the brick for the proposed planter along the porch.

DINNER

Dinner was served to the Commission and Staff at 5:00 p.m. a briefing on the Downtown Master Plan was given by Molly Robinson, Urban Planner.

Downtown Master Plan - The Salt Lake City Planning Division is in the process of initiating a new master plan for the Downtown. The current master plan was adopted in 1995. Staff would like to present the anticipated project scope of work and schedule and solicit feedback on the proposed stakeholder committee. (Staff contact: Molly Robinson at 801-535-7261 or molly.robinson@slcgov.com)

Ms. Molly Robinson, Urban Planner, reviewed the proposal as presented (copies of the information is available in the Planning Office). She stated the plan would be presented to the Historic Landmark Commission for discussion throughout the next year.

The Commission and Staff discussed how they would be involved in the process and possible groups to include in the advisory committee for the proposal.

REPORT OF THE CHAIR OR VICE CHAIR [5:45:23 PM](#)

Chairperson Harding stated she had nothing to report at this time.

Vice Chair Hart stated she had nothing to report at this time

REPORT OF THE DIRECTOR [5:45:30 PM](#)

Ms. Cheri Coffey, Assistant Planning Director, stated the Senior Secretary Courtney Benson will not be returning after having her baby therefore, Senior Secretary Michelle Moeller will be taking her place.

[5:45:51 PM](#)

APPROVAL OF THE March 7, 2013 MINUTES

MOTION

Commissioner Hart moved to approve the minutes of March 7, 2013. Commissioner Bevins seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS [5:46:14 PM](#)

No one wished to speak at this time.

PUBLIC HEARINGS

[5:46:43 PM](#)

Certificate of Appropriateness for Revised Major Alterations at approximately 206 E Street -Adam and Jessica Collings, represented by Renovation Design Group, are requesting approval from the City to revise a previously approved plan for an addition to the rear of their home at approximately 206 E Street. The proposed

modifications include alterations to the rear single story addition, a new brick planter box, alterations to the existing porch, and new wood fencing in front of the house. The property is located in the Avenues Historic District and the SR-1A (Special Development Pattern Residential) zoning district, in City Council District 3, represented by Stan Penfold. (Staff contact: Carl Leith, 801-535-7758, carl.leith@slcgov.com) Case number PLNHLC2013-00160.

Mr. Carl Leith, Senior Planner, reviewed the petition as presented in the Staff Report (located in the Case File). He stated Staff was recommending the Commission approve the petition for the Certificate of Appropriateness for alterations to the rear addition, and to deny the requests for alteration of the porch and picket fencing behind the iron fencing.

The Commission and Staff discussed the need for approval on the brick planting box, the location of the fencing, the fence attributes, the visibility of the north elevation of the addition and the original construction date of the porch.

Mr. Adam Collings, Applicant reviewed the retaining wall configuration, the proposal for the porch and planter box. He reviewed the design of the fence proposed to be located behind the wrought iron fence and the fence along the property. Mr. Collings reviewed the reasons behind changing the roof pitch on the addition and the proposed membrane for the roof. He reviewed the standards and how they would be met.

The Applicant and Commission discussed the location of the brick planter box in conjunction with the bottom of the porch. They discussed if brick or concrete would be best for the back of the planter box. The Applicant stated ideally both walls would be brick.

The Commission and Applicant reviewed the slope of the addition's roof and if it was necessary to change the shape of the structure or use a membrane to solve the problems. They discussed the historical details of the addition and how the issue could be addressed with materials or possible changes to the pitch of the roof.

The Commission and Applicant discussed if cast concrete or brick was appropriate for the area and the need to have ventilation at the foundation of the porch to prevent deterioration. They discussed what could be done to improve the wrought iron fence and make it safer. The Commission and Applicant discussed hedges and landscaping that would create a buffer between the yard and fence without building another fence or creating something that would detract from the wrought iron fence.

PUBLIC HEARING [6:21:15 PM](#)

Chairperson Harding opened the Public Hearing.

The following individual spoke in opposition of the proposal: Ms. Cindy Cromer.

The following comments were made:

- Wood fence up against the wrought iron fence was not historically appropriate for the area.
- Brick was not a prominent material in the area
- Plants would be better option against the wrought iron fencing
- Maintenance issues would be created with two fences side by side and the planter box.

Mr. Collings stated the maintenance would not be an issue.

Chairperson Harding closed the Public Hearing.

COMMISSION DISCUSSION [6:24:23 PM](#)

Commissioners made the following comments:

- A parapet on the addition's roof would better fit the line of the structure.
- The window on the west elevation would be best covered with a raised panel allowing future restoration of the window.
- The temporary aspects of the wood fence would help address current problems but was an awkward solution. Wood fence would be ok if there was a guarantee that the wrought iron fence would not be removed. There are other houses with two fences such as what is being requested and picket fences are historically acceptable.
- Two fences do not make sense as nothing is temporary. The existing fence is a significant character defining feature of the property and should not be removed. Fence is not as dangerous as the Applicant has presented it to be and a wooden fence would change the character of the wrought iron fence and the property.
- The planter box would result in a lack of ventilation under the porch causing a significant and long term maintenance issue.
- The change in pitch to the roof of the addition is the not necessary and as it is cheaper to reroof then add height.

The Commission and Staff discussed if having shrubbery between two fences would be consistent with the design standards. Staff stated it was not something highlighted as a precedent in the standards.

MOTION [6:38:20 PM](#)

Commissioner Funk stated in the case of PLNHLC2013-00160 based on the findings listed in the Staff Report, testimony and the plans presented, she moved to grant the request for a Certificate of Appropriateness for alterations to the rear addition, however, leave it open if the Applicant prefers to leave it as is and just reroof and to deny the request for the proposals for alteration of the porch and for proposed new fencing behind the iron fencing. Commissioner Hart seconded the motion.

Ms. Coffey clarified Staff was recommending the planter box be denied. She stated if the Commission followed Staff's recommendation they were denying the planter box but the Commission could allow the Applicant to work with Staff on the foundation around the porch.

Mr. Joel Paterson asked if the motion addressed the taller fence.

Commissioner Funk amended the motion to approve the higher fence and allow the Applicant to work with Staff on the material for the porch foundation. Commissioner Hart seconded the amendment.

Commissioners Funk, Hart, Bevins, Brennan voted "aye". Commissioner McClintic voted "nay". The motion passed 4-1.

[6:42:58 PM](#)

Demolition of Historic Buildings - Salt Lake City Mayor Ralph Becker is requesting that the City adopt new regulations that will clarify how proposed demolitions of landmark sites and contributing buildings will be evaluated and the process for approving or denying a demolition request. This proposal will generally affect section 21A.34.020 of the Zoning Ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. If adopted, the proposed changes would apply to all City designated Landmark Sites and contributing buildings in local historic districts. (Staff contact: Janice Lew at 801-535-7625 or janice.lew@slcgov.com). Case number: PLNPCM2009-00014

Ms. Janice Lew, Senior Planner, reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff recommends a favorable recommendation be forwarded to the City Council.

The Commission and Staff discussed the use and purpose of the Preservation Fund, legality of the language at the top of page 17 regarding the “takings issue” and at what point an applicant would restart a petition if the Certificate of Economic Hardship fully expired.

The Commissioners discussed the Special Merit Exemption and suggested it be eliminated completely as it was a loophole in the process. Commissioner Funk stated Mr. Huffaker had suggested, in a letter, giving the Historic Landmarks Committee the ability to say no and to stop the process.

PUBLIC HEARING [6:56:52 PM](#)

Chairperson Harding opened the Public Hearing. Seeing there was only one person to speak on the issue and the complexity of the subject Chairperson Harding gave Ms. Cromer an extended time to speak.

Ms. Cindy Cromer made the following comments:

- Never seen an economic hardship process (under the existing regulations) that she felt was fair to preservation.
- Many buildings have been lost and almost all of them have been in the Central Historic District.
- Need to work at this from both ends, from requirement process and incentives.
- She discussed the obstacles such as allowing more density in historic buildings.
- Asked the Commission to wait until after the Open House, scheduled later in April, to consider possible comments.
- The definitions of taking and reasonable return need to be clarified and refined.
- Delegating to the Planning Commission was not in the best interest of Historic Preservation.
- Historic Landmark Commission should make the final decisions when Historic Preservation was concerned.
- Special Merit exemption will cause more problems than needed.
- Allowing a three year extension on demolition was not fair to neighboring properties.
- Preservation Fund was housing mitigation which had not received money in the last ten years and would not work.
- Clarify the obstacles and define them more clearly.

- Offer more economic incentives such as density and development transfers.

Chairperson Harding closed the Public Hearing.

COMMISSION DISCUSSION [7:06:53 PM](#)

Chairperson Harding stated it may be best to wait until after the Open House to make any final decisions on the petition.

The Commission discussed eliminating the Special Merit Exception and who had the final say as to if it could be eliminated.

The Commission and Staff discussed why there needed to be a penalty for people that deliberately let their property deteriorate and become unusable. They discussed the lack of enforcement to make individuals keep up their properties and stated there should be a significant penalty to someone that deliberately lets their property go.

Mr. Joel Paterson, Planning Manager, stated the ordinance currently has language that allows the Building Official to approve demolition without going through the economic hardship process or the demolition process if there is an imminent public hazard. He stated the new demolition ordinance, recently adopted by the City Council, contains demolition by neglect provisions that require property owners to maintain properties to a certain minimum standard. Mr. Paterson said the Commission was correct that it came down to enforcement and how successful the City was in pursuing enforcement actions.

Ms. Coffey stated the Building Official's use of that power was extremely rare.

The Commissioners discussed the current ordinance and that it was meant to address buildings that were in danger of collapsing because of damage from a fire or other reasons. They discussed that the Preservation Fund and how it should be directed to help preserve properties. The Commission discussed incentives for people that own historic properties and how to entice people to improve those properties.

The Commission asked if there was an ordinance or provision that addressed this issue in other City policies.

Mr. Nielson stated there was language in the enforcement provisions that addressed allowing a property to advance to a state of disrepair. He stated even if there were penalties for letting your property deteriorate that did not mean that the City would collect the fees.

Ms. Coffey stated there was a Boarded Building Ordinance authorizing the City to fine owners of boarded properties and maybe the fees could be increased substantially if the boarded building was a contributing structure in a Historical District. She stated it was a different ordinance but it could be reviewed along with incentives.

The Commission and Staff discussed if it was reasonable to penalize people and what could be done to help properties owners to prevent them from letting their properties deteriorate. They stated the incentives would be what helped people transition these properties and move in the direction the Commission was looking for. It was suggested that a vacancy tax or additional fee for vacant buildings might be possibilities.

The Commission discussed noise and air pollution management in relation to demolition. The Commission discussed whether or not the Planning Commission should have final say in special merit exceptions for the demolition of historic buildings, how the Planning Commission reviewed additions to Historic Districts and how Special Merit Exceptions would be handled with the proposed ordinance.

Staff stated the Historic Landmark Commission's recommendation of the proposed ordinance amendments regarding demolition and economic hardship would be forwarded to the Planning Commission and City Council. The City Council has final decision-making authority for Zoning Ordinance text amendments.

The Commission discussed the pros and cons of the Special Merit Exception and possible changes to the proposed process. The Commission discussed tabling the issue to allow for comments at the Open House and allowing Staff to make the suggested changes. They suggested putting in references to other documents that address the questionable issues such as the Special Merit Exception.

MOTION [7:40:42 PM](#)

Commissioner Funk stated in the case of PLNPCM2009-00014 she moved to table the issue to a future meeting allowing Staff to further review the document, taking all comments into consideration. Commissioner Hart seconded the motion. The motion passed unanimously.

The meeting stood adjourned at [7:44:32 PM](#)